## Brush, Jason

From: Brush, Jason

Sent: Thursday, December 12, 2013 9:21 AM

**To:** Evans, David; Kaiser, Russell

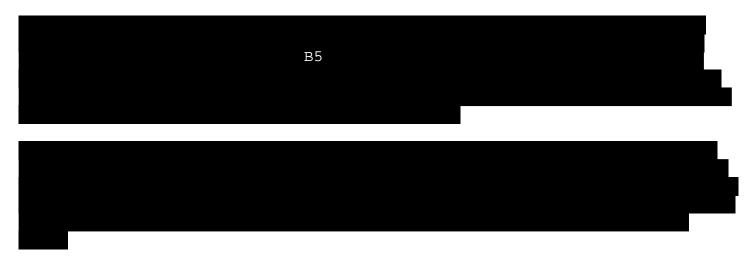
Cc: Pendergast, Jim; Best-Wong, Benita; Miller, Clay; Flannery-Keith, Erin; Diamond, Jane;

Goforth, Kathleen; Leidy, Robert; Sumner, Rich

**Subject:** URGENT - RE: Rosemont: request for staff recommendations

**Importance:** High

Categories: EPA



## Thanks - Jason

From: Evans, David

Sent: Thursday, December 12, 2013 8:58 AM

To: Brush, Jason; Kaiser, Russell

Cc: Pendergast, Jim; Best-Wong, Benita; Miller, Clay; Flannery-Keith, Erin; Diamond, Jane

Subject: RE: Rosemont: Proposed email to Horst



## Dave Evans

David S. Evans, Acting Deputy Director Office of Wetlands, Oceans and Watersheds

Phone: 202-566-0535

From: Brush, Jason

Sent: Thursday, December 12, 2013 11:44 AM

To: Kaiser, Russell

Cc: Pendergast, Jim; Evans, David; Best-Wong, Benita; Miller, Clay; Flannery-Keith, Erin; Diamond, Jane

Subject: RE: Rosemont: Proposed email to Horst



From: Kaiser, Russell

Sent: Thursday, December 12, 2013 8:26 AM

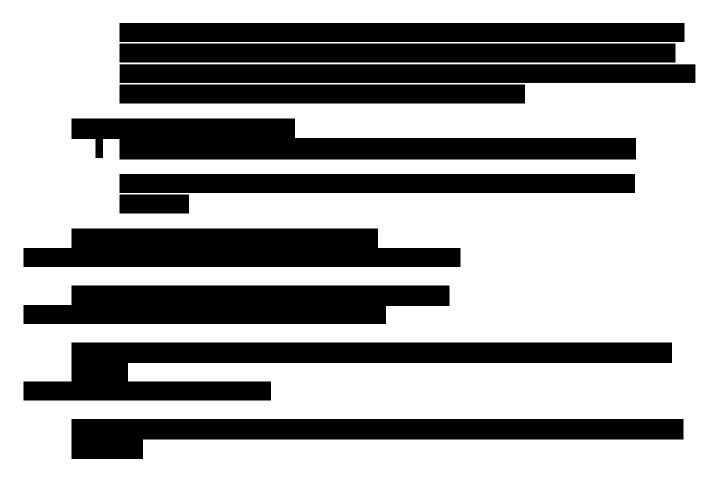
To: Brush, Jason

Cc: Pendergast, Jim; Evans, David; Best-Wong, Benita; Miller, Clay; Flannery-Keith, Erin

Subject: RE: Rosemont: Proposed email to Horst

Importance: High





**Thanks** 

Russell L. Kaiser Chief, Wetlands & Aquatic Resources Regulatory Branch 1301 Constitution Ave., N.W. Room 7217M West Bldg. Washington, DC 20004 P: 202.566.0963

From: Kaiser, Russell

Sent: Thursday, December 12, 2013 7:23 AM

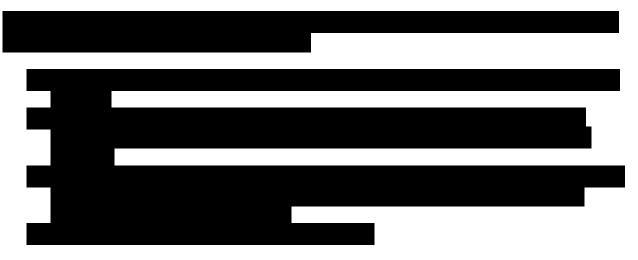
To: Brush, Jason

Cc: Pendergast, Jim; Evans, David; Best-Wong, Benita; Miller, Clay; Flannery-Keith, Erin

Subject: RE: Rosemont: Proposed email to Horst

Importance: High

Jason-



Did I miss anything - pls respond ASAP as I will be meeting with Ken this morning...

## Thanks,

Russell L. Kaiser Chief, Wetlands & Aquatic Resources Regulatory Branch 1301 Constitution Ave., N.W. Room 7217M West Bldg. Washington, DC 20004 P: 202.566.0963

From: Goforth, Kathleen

Sent: Wednesday, December 11, 2013 8:56 PM

To: Rader, Cliff

Cc: Kaiser, Russell; Pendergast, Jim; Herrera, Angeles; Jessop, Carter; Brush, Jason; Hessert, Aimee;

Bromm, Susan

**Subject:** Rosemont: Proposed email to Horst







<sup>&</sup>lt;sup>[1]</sup> The FEIS shows with high probability that there would be substantial impacts to distant sensitive aquatic resources, but lacks a scientifically valid representation of the long term impacts to these distant waters. The groundwater modeling employed for the purposes of projecting this impact is highly speculative and lacks adequate sensitivity for impacts at depths shallower than 5 feet. To move beyond a weight-of-evidence assessment, EPA has suggested that a scientifically supportable risk-based analysis of probable aquatic resource impacts would be appropriate. This would allow the project impacts to be considered holistically in conjunction with cumulative declines in water availability.

<sup>&</sup>lt;sup>[2]</sup> The current conceptual mitigation proposal: 1) is currently aimed at enhancing just a few stream reaches (corridors) located downstream from the project area, and possibly in other watersheds; 2) does not account for the loss of ecological services arising from the interrelationship of the headwater streams and the surrounding terriestrial ecology; 3) fails to account for the ecological uncertainty associated with the described stream corridor enhancement, proposes no mitigation goals or performance targets (standards), and does not document the amount of development risk attributed to proposals that emphasize aquatic resource preservation; and 4) is not supported by information gained from a functional/condition assessment of streams, springs, and wetlands directly and indirectly impacted by the project. While the FEIS incorporates some consideration of functional values impaired, a full functional assessment would have included the collection of data at reference sites, establishment of reference criteria, determination of functional values in various settings and, overall, would have provided a far more complete and comprehensive picture of the project's environmental consequences regarding aquatic and riparian resources.